

[REDACTED]

8 May 1990

MEMORANDUM

SUBJECT: El Salvador: Update on the Jesuit Killings, #5

1. Almost five months after the slaying of six Jesuit priests, their cook, and her daughter on 16 November, the investigation appears to be at a standstill. Although the initial inquiry--conducted with substantial foreign assistance and oversight--yielded sufficient evidence to charge nine soldiers with the crimes, we judge that subsequent stages have suffered from a lack of aggressiveness on the part of the government's investigative bodies, especially Judge Zamora, who is responsible for spearheading and coordinating the investigation. [REDACTED] Zamora has done little to solicit information to build a stronger case against Colonel Benavides and the eight other suspects. He has met only once--on 16 March, four months after the killings--with the director of the Special Investigations Unit (SIU) to discuss the case. Despite assurances from senior government officials that they would expand the inquiry, Zamora only last week followed up on the promise he had made in March to call on the members of the military's Honor Commission--established to conduct an internal investigation--to testify before him. Moreover, the judge has not yet interviewed any of the officers who attended the military commanders' meeting--at which Benavides was present and during which the problem of "hitting the guerrilla leadership" was discussed--on the night of the killings. [REDACTED]

2. The government's handling of the case has renewed charges that the military is covering up higher level involvement and has raised doubts about the government's commitment to resolving the case. Former Army Colonel Ochoa, now an ARENA legislative deputy, alleged that senior officers other than Colonel Benavides probably were involved in the Jesuit murder during a 22 April segment on CBS' "60 Minutes." Specifically, Ochoa attempted to give credence to rumors that the Vice Minister of Defense, Colonel Zepeda, was involved in the decision to kill the priests or at least was informed immediately of the act. Although [REDACTED] Zepeda had no command over tactical units and was not in the chain of command on the night

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of the killings, rumors of his involvement persist. Nonetheless, Zamora says he will not investigate such allegations unless requested by the Attorney General or the SIU. [REDACTED] Zepeda has offered to testify in court, but Zamora has not yet interviewed him. [REDACTED]

3. Further fueling speculation of a military cover-up was the announcement on 7 May by judicial authorities that a notebook or diary allegedly kept by Benavides and recently requested by the judge as evidence has disappeared. Zamora privately told officials in March that he had not asked for Benavides' diary because he believed it would exonerate the colonel. Four potential military witnesses to the crime, moreover, reportedly are abroad for training and are unavailable to testify until later this month. In addition, the head of the military Honor Commission now claims the group kept no records and did not prepare a written report. The apparent reluctance of officers to come forward on their own with relevant information suggests that the military is doing the minimum required to cooperate with the judicial authorities. [REDACTED]

4. Ochoa's allegations coincided with other events viewed by the Salvadoran Armed Forces as unfavorable to their interests. A recent move in the US Congress to cut US military aid to El Salvador by 50 percent and the widespread publicity of the "Speaker's Task Force on El Salvador" report, which criticizes the government's investigation, caused a stir in military circles. Armed Forces spokesmen publicly denounced Ochoa's statements and insisted that he turn over any evidence to the judicial authorities. Privately, many senior civilian and military officials are urging Ochoa's ouster as head of the government-controlled electricity board. [REDACTED]

[REDACTED] Colonel Zepeda may try to revoke Ochoa's pension as a retired officer and dismiss him from the rolls of inactive reserve. [REDACTED]

5. President Cristiani has criticized the proposed US aid cuts, saying such a move would undermine his government's efforts to negotiate a peaceful settlement with the guerrillas. Cristiani did not refute the Speaker's report, which faulted the government for not delving into the possibility that individuals other than Benavides may have ordered the killings and pointed to a possible cover-up. Nevertheless, the President has expressed his doubts that Benavides will be convicted, given the legal constraints on the use of evidence. Cristiani did say late last month, however, that he hopes the case will be tried within 90 days. [REDACTED]

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6. [REDACTED] The case will not come to trial anytime soon unless new evidence is uncovered or witnesses come forward. Even when it does, Judge Zamora probably will have difficulty finding jurors willing to serve, as is common in even the most simple trials in El Salvador. [REDACTED]

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